

## **REMARKS**

In response to the Office Action dated July 22, 2010, claim 1 has been amended. Claims 1-19 are pending in the application.

In paragraph 3 on page 4 of the Office Action, claims 1-19 were rejected under 35. U.S.C. § 103(b) as being unpatentable over Knudson in view of Hendricks and in further view Funahashi.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended claims.

Claim 1 sets forth providing a set of more than two on-demand programs, packaging the set into a subset having at least two on-demand programs of the set of on-demand programs, providing, at the subscriber equipment, a user interface for the user to view program options, providing, at the subscriber equipment, a first applet for execution by the subscriber equipment for visually presenting a plurality of selectable objects for user selection through the user interface including a first selectable object for selecting subscription-on-demand services to cause subscription-on-demand packages to be visually presented in response to selection of the first object by a user, wherein the subscription-on-demand packages visually presented includes at least the subset of the at least two on-demand programs as a subscription-on-demand package, receiving, at a session manager, a selection of the first selectable object identifying one of the subset of the at least two on-demand programs, determining, at the session manager, a subscription status associated with the user and the selected first selectable object identifying one of the subset of the at least two on-demand programs, providing a second applet to the

subscriber equipment for execution to visually present to the user a second selectable object based on the determination of the subscription status associated with the user and the selected first selectable object, including a start option when a price of said selection is zero and immediately providing said selection in its entirety when the price of said selection is zero and the user selects the start option or providing a third applet to the subscriber equipment for execution based on the determination of the subscription status associated with the user and the selected first selectable object to visually present to the user an option to purchase the selection a la carte when the price of said selection is non-zero.

In contrast, Knudson merely discloses programs presented to a user in a program guide, e.g. a grid. The user may select a program to watch from the program guide. Sometimes a program is part of a package. If the program guide determines that the program is part of a package, the program guide presents purchase information to the user. The user may select from the program guide to pay for the package.

Thus, according to Knudson, the when user selects a program from a program guide, the program guide determines whether the program is part of a package. Knudson does not disclose providing multiple applets for execution by the subscriber equipment. For example, Knudson fails to disclose, teach or suggest providing, at the subscriber equipment, a first applet for execution by the subscriber equipment for visually presenting a plurality of selectable objects for user selection through the user

interface including a first selectable object for selecting subscription-on-demand services.

Knudson also fails to disclose, teach or suggest receiving, at a session manager, a selection of the first selectable object identifying one of the subset of the at least two on-demand programs and determining, at the session manager, a subscription status associated with the user and the selected first selectable object identifying one of the subset of the at least two on-demand programs. Knudson does not mention determining the subscription status of the user.

Knudson also fails to disclose, teach or suggest providing a second applet to the subscriber equipment for execution to visually present to the user a second selectable object based on the determination of the subscription status associated with the user and the selected first selectable object, including a start option when a price of said selection is zero and immediately providing said selection in its entirety when the price of said selection is zero and the user selects the start option. Again, Knudson does not disclose providing a second applet to the subscriber equipment. Moreover, Knudson does not mention including a start option when a price of said selection is zero and immediately providing said selection in its entirety when the price of said selection is zero and the user selects the start option.

Knudson also fails to disclose, teach or suggest providing a third applet to the subscriber equipment for execution based on the determination of the subscription status associated with the user and the selected first selectable object to visually present to the user an option to purchase the selection a la carte when the price of said selection is non-

zero. Rather, according to Knudson, the program guide itself determines whether the selected program is part of a package of pay programs.

Thus, Knudson fails to disclose, teach or suggest the invention as defined in independent claims 1, as amended.

Hendricks fails to overcome the deficiencies of Knudson. Hendricks merely discloses a system for managing programming and control signals at a head-end. Hendricks discloses different program types including video-on-demand. However, Hendricks fails to suggest subscription-on-demand packages.

More particularly, Hendricks fails to disclose providing multiple applets for execution by the subscriber equipment. For example, Hendricks fails to disclose, teach or suggest providing, at the subscriber equipment, a first applet for execution by the subscriber equipment for visually presenting a plurality of selectable objects for user selection through the user interface including a first selectable object for selecting subscription-on-demand services. Hendricks discloses that an MPEG data stream is built for a customized menu, which is streamed to the user. Thus, Hendricks fails to suggest providing applets to the subscriber equipment.

Hendricks also fails to disclose, teach or suggest receiving, at a session manager, a selection of the first selectable object identifying one of the subset of the at least two on-demand programs and determining, at the session manager, a subscription status associated with the user and the selected first selectable object identifying one of the subset of the at least two on-demand programs. Hendricks does not mention determining the subscription status of the user.

Hendricks also fails to disclose, teach or suggest providing a second applet to the subscriber equipment for execution to visually present to the user a second selectable object based on the determination of the subscription status associated with the user and the selected first selectable object, including a start option when a price of said selection is zero and immediately providing said selection in its entirety when the price of said selection is zero and the user selects the start option. Again, Hendricks does not disclose providing a second applet to the subscriber equipment. Moreover, Hendricks does not mention including a start option when a price of said selection is zero and immediately providing said selection in its entirety when the price of said selection is zero and the user selects the start option.

Hendricks also fails to disclose, teach or suggest providing a third applet to the subscriber equipment for execution based on the determination of the subscription status associated with the user and the selected first selectable object to visually present to the user an option to purchase the selection a la carte when the price of said selection is non-zero. Rather, according to Hendricks, a network manager controls all aspects of the program delivery. Hendricks discloses that an MPEG data stream is built for a customized menu, which is streamed to the user. Thus, Hendricks fails to suggest providing applets to the subscriber equipment.

Thus, Knudson and Hendricks, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, as amended.

Funahashi fails to overcome the deficiencies of Knudson and Hendricks. Funahashi is merely cited as disclosing some pay programs free of charge. However,

like Knudson and Hendricks, Funahashi suggest providing multiple applets for execution by the subscriber equipment. For example, Funahashi fails to disclose, teach or suggest providing, at the subscriber equipment, a first applet for execution by the subscriber equipment for visually presenting a plurality of selectable objects for user selection through the user interface including a first selectable object for selecting subscription-on-demand services. Funahashi discloses providing partial access to content, but requiring payment for full access to the content. Thus, Funahashi prevents a user from having to pay for content that the user does not desire to have full access to. Accordingly, Funahshi fails to suggest providing applets to the subscriber equipment.

Funahshi also fails to disclose, teach or suggest receiving, at a session manager, a selection of the first selectable object identifying one of the subset of the at least two on-demand programs and determining, at the session manager, a subscription status associated with the user and the selected first selectable object identifying one of the subset of the at least two on-demand programs. Funahshi does not mention determining the subscription status of the user.

Funahshi also fails to disclose, teach or suggest providing a second applet to the subscriber equipment for execution to visually present to the user a second selectable object based on the determination of the subscription status associated with the user and the selected first selectable object, including a start option when a price of said selection is zero and immediately providing said selection in its entirety when the price of said selection is zero and the user selects the start option. Again, Funahshi does not disclose

providing a second applet to the subscriber equipment. Moreover, Funahshi does not mention including a start option when a price of said selection is zero and immediately providing said selection in its entirety when the price of said selection is zero and the user selects the start option.

Funahshi also fails to disclose, teach or suggest providing a third applet to the subscriber equipment for execution based on the determination of the subscription status associated with the user and the selected first selectable object to visually present to the user an option to purchase the selection a la carte when the price of said selection is non-zero. Rather, according to Funahashi, partial access to content is provided without charge, but full access to the content requires payment by the user. Thus, Funahashi prevents a user from having to pay for content that the user does not desire to have full access to. Accordingly, Funahshi fails to suggest providing applets to the subscriber equipment.

Thus, Knudson, Hendricks and Funahashi, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, as amended.

Dependent claims 2-19 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claim 1. Further dependent claims 2-19 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 2-19 are patentable over the cited references.

U.S. Patent Application Serial No. 09/922,910  
Amendment dated October 18, 2010  
Reply to Office Action of July 22, 2010  
Atty Docket No.: 60136.0091USC1

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(865) 380-5976



By:   
Name: David W. Lynch  
Reg. No.: 36,204